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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,280	12/21/2001	Rahul Singhvi	H00498/70173 TJO	6387

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EXAMINER

WARE, DEBORAH K

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/032,280

Applicant(s)

SINGHVI ET AL.

Examiner

Deborah K. Ware

Art Unit

1651

-- The MAILING DATE f this communicati n appears n the cover sheet with the correspond nce address --
Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 1 and 4-128 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1 and 4-128 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 4-15, and 26-27, drawn to a device having a plurality of cytophilic and cytophobic regions, classified in class 435, subclass 189.
- II. Claims 16-25 and 28-29, drawn to a method providing a plate defining surface and binding a plurality of cytophilic islands to form a single line of cells, classified in class 435, subclass 325.
- III. Claims 30-46, drawn to a method providing a plate defining surface and subjecting at least one cell to a treatment and assaying its effect on the cell, classified in class 424, subclass 93.1.
- IV. Claims 47-50, drawn to a device having regions arranged in a pattern simulating a natural tissue architecture, classified in class 606, subclass 1.
- V. Claims 51-53, drawn to a method of attaching a plurality of cells on a surface to produce a pattern on the surface simulating a natural tissue architecture, classified in class 427, subclass 2.24.
- VI. Claims 54-57, drawn to a device which is a prosthesis defining a surface, classified in class 427, subclass 299.
- VII. Claims 58-63, drawn to a method comprising providing a prosthesis and implanting the prosthesis in an organism, classified in class 623, subclass 1.1.

- VIII. Claims 64-69, drawn to a device comprising a bioerodable defining surface and a plurality of cytophilic isolated by cytophobic regions, classified in class 435, subclass 262.5.
- IX. Claims 70-75, drawn to a method comprising providing a surface, implanting the surface and allowing the surface to erode, classified in class 435, subclass 262.5.
- X. Claims 76-79, drawn to a device having a transparent surface and cytophilic regions isolated by cytophobic regions, classified in class 363, subclass 22.
- XI. Claims 80-82, drawn to a method providing a transparent plate and binding of cells to cytophilic islands, classified in class 435, subclass 174.
- XII. Claims 83-85, drawn to a method comprising exposing a suspension and allowing a cell of a first cell type to adhere to a cytophilic island, classified in class 424, subclass 93.6.
- XIII. Claims 86-96, drawn to a method comprising forming a first self-assembled monolayer (SAM) comprising a first compound defining a surface and forming a second SAM comprising a second compound on the surface contiguous with the first SAM, classified in class 424, subclass 400.
- XIV. Claims 97-108, drawn to a method comprising providing a SAM surface having at least one microculture formed thereon and adding fluid to the microculture, classified in class 424, subclass 93.7.

- XV. Claims 109-111, drawn to a device for adhering at least one biological species in a specific and predetermined pattern, classified in class 424, subclass 93.8.
- XVI. Claim 112, drawn to a device for adhering protein in a specific determined pattern, classified in class 106, subclass 4.
- XVII. Claim 113, drawn to a device having a surface as defined by PEG-SAM, classified in class 588, subclass 261.
- XVIII. Claim 114, drawn to a device for immobilizing, classified in class 435 , subclass 177.
- XIX. Claims 115-117, drawn to an article defining a surface having a molecular species, classified in class 514, subclass 1.
- XX. Claim 118, drawn to a device having a surface comprising a layer of molecular species, classified in class 435, subclass 178.
- XXI. Claims 119-123, drawn to a device having a surface and a plurality of spaced apart isolated regions of a molecular species for attachment of biomolecules, classified in class 435, subclass 181.
- XXII. Claim 124, drawn to a device for facilitating attachment of protein, classified in class 435, subclass 337.
- XXIII. Claim 125, drawn to an array device for immobilization and a surface, classified in class 424, subclass 77.

XXIV. Claims 126-127, drawn to a substrate and at least one isolated region comprising a molecular species having a specific structure, classified in class 216, subclass 95.

XXV. Claim 128, drawn to a device comprising an array of immobilization islands having groups of which one is biophilic, classified in class 435, subclass 178.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-XXV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions set forth above in each of the separate groups having different modes and effects of operation wherein the devices and article are different from the method Groups since the devices may be used in different processes such as those requiring etching for abrasion and deformation of a substrate, etc. Further, the devices and article are distinct from the other because an article can be a stamping surface to direct formation of a pattern of a molecular species on a surface and the devices can be used for immobilizing the molecular species.

Thus, there is two way distinctness between at least one of the devices and the article. Also the devices are distinct from each other because some facilitate attachment and others are for immobilizing proteins, chemicals or various other organic ingredients. The devices require different components and active agents for their application. Therefore, two way distinctness is present between each of the devices.

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The methods require different process steps and are different from each other and do not require one another to be carried out , and thus, may be performed independently from each other. Thus, the methods have two way distinctness one from the other.

Therefore, because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Further, because these inventions are distinct for the reasons given above and the search required for one Group is not required for another Group, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah K. Ware whose telephone number is 571-272-0924. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DEBORAH K. WARE
PATENT EXAMINER
Deborah K. Ware
April 27, 2004